UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,440	01/22/2004	Bernard J. Kerr	260-006	5178

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LOTUS AND RATIONAL SOFTWARE
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EXAMINER
PARK, JEONG S

ART UNIT	PAPER NUMBER
2154	

NOTIFICATION DATE	DELIVERY MODE
09/12/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dave@davedagg.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 June 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.	This communication is in response to Application No. 10/762,440 filed on 22 January 2004. The amendment presented on 8 June 2008, which cancels claims 9-26, and provides change to claims 1, 4 and 6-8, is hereby acknowledged. Claims 1-8 have been examined.

Claim Objections

2.	The amendment presented on 8 June 2008 providing change to the claims is noted. All prior objections to the claims are hereby withdrawn.

Claim Rejections - 35 USC § 112

3.	The amendment presented on 8 June 2008 providing change to the claims is noted. The outstanding 35 USC 112 rejections are hereby withdrawn.

Claim Rejections - 35 USC § 101

4.	The amendment presented on 8 June 2008 cancelling claims 17-24 and 26 obviates the outstanding 35 USC 101 rejections, and they are hereby withdrawn.

Terminal Disclaimer

5.	The terminal disclaimer filed on 6/8/2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of copending Application No. 10/762,423 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

6.	The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Aravamudan et al. (hereinafter Aravamudan)(U.S. Patent No. 6,301,609 B1) in view of

Yoakum (U.S. Patent No. 7,257,218 B2), and further in view of Bushnell et al.

(hereinafter Bushnell)(U.S. Pub. No. 2005/0113134 A1).

Regarding claim 1, Aravamudan teaches as follows:

A method of providing a local computer system user (subscribing client, 140 in

figure 1 and 2) with detail information (pending events, see, e.g., col. 7, lines 3-33)

about at least one remote computer system user (selected buddies, 140 in figure 1 and

2)(IM sever sends an instance message communicating the pending event from the

selected buddies, see, e.g., col. 7, lines 21-40), comprising:

obtaining, by an awareness client application process (downloaded client

software 204 in figure 4) executing on a local computer system from an associated

awareness server application process executing on a server computer system (the user

installs the provisioning software such as IM client application onto his CPE device from

the IM server, see, e.g., col. 6, lines 32-63), an online status of said remote computer

system user (IM sever sends an instance message communicating the pending event

such as status of selected buddies, see, e.g., col. 7, lines 21-40);

presenting, by said awareness client application process, an awareness object

(events) associated with said remote computer system user, wherein said awareness

object includes an indication of said remote computer system user (all clients being

used as subscribing client or buddy should be registered first by indicating user's online

status and current user address, see, e.g., col. 7, lines 1-8 and step 234 in figure 5,

information relating to the buddy's premises equipment such as Internet address, see,

e.g., col. 9, lines 52-52) wherein said awareness object further includes a visual

indication of said online status of said remote computer system user (IM sever sends an

instance message communicating the pending event such as status of selected

buddies, see, e.g., col. 7, lines 21-40);

obtaining, by said awareness client application process on said local computer

system, responsive to said presenting said awareness object (events) associated with

said remote computer system user (selected buddies), detail information regarding said

remote user, wherein said detail information is obtained from a detail information

database server (Communication Services Platform (CSP) server 160 in figure 1 and 2)

process separate from said awareness server (IM server 130 in figure 1 and 2)

application process (the events stored at the CSP is sent to the subscribing client by an

instance message through IM server, see, e.g., col. 7, lines 21-40);

detecting a selection of said awareness object associated with said remote

computer user by said local computer system user (the events to monitor for the

selected buddies are personalized by the user (subscribing client) and stored at the

CSP rules database 168 in figure 1 and 2, see, e.g., col. 8, lines 37-55)(the subscribing

client is notified with the events, see, e.g., col. 7, lines 21-40); and

presenting, by said awareness client application process, said detail information

regarding said remote computer system user in a display for said local computer system

(IM sever sends an instance message communicating the pending event, see, e.g., col. 7, lines 21-40, displaying is inherent in the instance messaging).

Aravamudan does not teach the claimed detail information and the presentation to allow initiation of a connection based on the detail information.

Yoakum teaches as follows:

The human resource devices (16 in figure 1) include a landline telephone, mobile telephone, packet telephone system and personal computer, wherein the personal computer provides response via data-based communications such as email and instant messaging as well as voice-based communications (equivalent to applicant's internet protocol phone)(see, e.g., col. 3, line 60 to col. 4, line 20);

the human resources register as being capable of providing specific roles as well as interacting via specific types of media. Their availability for communications in any of these roles is provided via presence information (see, e.g., col. 7, lines 40-64);

identify available resource for the request in the queue having the highest priority for the available resource (step 122 in figure 2, see, e.g., col. 7, lines 14-23); and

facilitate a connection between the requestor device associated with the request and the selected resource device (step 124 in figure 2, see, e.g., col. 7, lines 24-39).

It would be obvious to combine Aravamudan with Yoakum in order to efficiently assign a resource device based on the presence information including the contact information with roles given to the each resource device.

Yoakum does not teach a plurality of contact information for one remote computer system user.

Bushnell teaches that information sharing providing basic presence information directly to users (interpreted as the applicant's local computer system user) allows the users to determine the most appropriate means of contacting another user (interpreted as the applicant's remote computer system user)(see, e.g., page 3, paragraph [0037]).

It would be obvious to combine Bushnell with Aravamudan in view of Yoakum in order to efficiently determine a contact means among multiple contact means belong to one user and to provide the best communication media between the system users.

Regarding claim 2, Aravamudan teaches as follows:

Conveying, in association with a user identifier (see, e.g., col. 9, lines 52-52) for said remote computer system user, an identifier of said detail information database server process (the selected events inherently are assigned for necessary identification in order to process in data communications) from said awareness application server process to said awareness application client process (IM server sends the selected events to the subscribing client based on the identifier of each selected event and the buddy, see, e.g., col. 7, lines 21-40);

determining, by said awareness application client process in response to said selecting of said awareness object associated with said remote computer system user, said identifier of said detail information database server process (it is inherent to determine a identifier of any data to process properly); and

wherein said obtaining said detail information regarding said remote computer system user is performed by said awareness application client process (IM client software) over a communications network using said identifier of said detail information

database server process (it is inherent to obtain the events regarding buddy's identity and the identity of the events).

Regarding claim 3, Aravamudan teaches as follows:

Said obtaining said detail information regarding said remote computer system user is performed through an application programming interface (IM application between the IM server and the IM client) to said detail information database server process (utilizing the existing and emerging instant messaging services and communication protocols to locate a registered user, query the user for a proposed message disposition or other action, see, e.g., col. 2, lines 25-32).

Regarding claim 4, Aravamudan teaches as follows:

Said presenting said detail information regarding said remote computer system user in a display for said local computer system graphic comprises presenting said detail information regarding said remote computer system user graphic indication of said remote user in a display window for an application process executing in said local computer system separately from said awareness client application process (when the subscribing is off-line, the CSP determines an alternative disposition for the initiating important event such as automated calls to the registered mobile phone or email to the other registered device, other than sending an instance message, see, e.g., col. 8, lines 56-65 and col. 11, lines 21-34). Therefore it would be obvious to use a display window for initiating contact to the remote computer system by other than the awareness client application process (interpreted as the instance message).

Regarding claim 5, Aravamudan teaches as follows:

Said presenting said detail information regarding said remote computer system

user presents said detail information through a pop-up display window (showing pop-up

window is inherent function and is well-known in the art, see, e.g., col. 11, lines 21-24).

Regarding claim 6, Aravamudan teaches as follows:

Presenting an interface to said local user, wherein said interface enables said

local user to indicate whether detail information regarding said local user is to be shared

with other users (assigning a buddy priority to individual buddies or groups of buddies in

order to maintain control of his privacy with respect to his online location, presence, and

activities, see, e.g., col. 9, line 63 to col. 10, line 15).

Regarding claim 7, Aravamudan teaches as follows:

Presenting an interface to said local user, wherein said interface enables said

local user to specify detail information regarding said local user that is to be shared with

other users (different priority, such as high, low and highest priority, to individual

buddies determines different level of presence information such as real-time presence,

shielding the user's activity and so on, see, e.g., col. 9, line 45 to col. 10, line 51).

Regarding claim 8, Aravamudan teaches as follows:

Presenting an interface to said local user, wherein said interface enables said

local user to specify one or more other users with which detail information regarding

said local user is to be shared (the subscribing client creates buddy groups and defines

specific attributes to associates included with each group, see, e.g., col. 9, lines 45-52).

Response to Arguments

8.   Applicant's arguments filed 8 June 2008, with respect to claim 1-8 have been

considered but are moot in view of the new ground(s) of rejection.

A.   Summary of Applicant's Arguments

        1) This aspect of Aravamudan differs fundamentally from the present claim 1

firstly in that the user presence being referred to is the presence of the local user, not of

a remote user, as in the present independent claim 1.

B.   Response to Arguments:

        In response to argument 1), the recitation has not been given patentable weight

because the recitation occurs in the preamble. A preamble is generally not accorded

any patentable weight where it merely recites the purpose of a process or the intended

use of a structure, and where the body of the claim does not depend on the preamble

for completeness but, instead, the process steps or structural limitations are able to

stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v.

Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEONG S. PARK whose telephone number is (571)270-1597. The examiner can normally be reached on Monday through Friday 7:00 - 3:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. P./
Examiner, Art Unit 2154

September 4, 2008

/Joseph E. Avellino/
Primary Examiner, Art Unit 2146